

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOSE VARGAS,

Petitioner,

v.

STATE OF NEW JERSEY, et al.,

Respondents.

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Civil Action No. 09-1219 (JBS)

O R D E R

THIS MATTER having come before the Court by way of petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, on behalf of Petitioner Jose Vargas, and for the reasons set forth in the Opinion filed herewith,

IT IS on this 9th day of December, 2009,

ORDERED that the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is DISMISSED WITH PREJUDICE, for lack of subject matter jurisdiction, and WITHOUT PREJUDICE to Petitioner's right to file a motion for relief from his federal conviction under 28 U.S.C. § 2255; and it is further

ORDERED that the motions for in forma pauperis status, for transfer to a federal detention center, for appointment of counsel, for issuance of a writ of error, for consolidation of the state and federal court criminal matters in this habeas petition, and for an Order to show cause, are DISMISSED as moot;

ORDERED that the Clerk shall serve a copy of this Order upon Petitioner by regular mail; and it is finally

ORDERED that the Clerk is directed to close the file
accordingly without assessing any fees or costs.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge